

10/509253
DT04 Rec'd PCT/PTO 28 SEP 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Masayuki NAKAMURA et al. : Mail Stop: PCT
Serial No. NEW : Attorney Docket No. 2004_1561A
Filed September 28, 2004 :

HYDROXYMORPHOLINONE DERIVATIVE AND
MEDICINAL USE THEREOF
[Corresponding to PCT/JP03/03910
Filed March 27, 2003]

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request consideration of the references listed on attached form PTO-1449 and any additional information identified below in paragraph 3. A legible copy of each reference listed on the Form PTO-1449 is enclosed, except a copy is not provided for:

- each U.S. Patent and U.S. Patent application publication (*for U.S. National applications filed after June 30, 2003 and International applications that have entered U.S. National Stage after June 30, 2003*),
- each reference previously cited in the international application PCT/JP03/03910; and/or
- each reference previously cited in prior parent application Serial No. _____.

1a. This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application, or

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before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

and thus no certification and/or fee is required.

1b. This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

(1) the certification of paragraph 2 below is provided, **or**

(2) the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

1c. This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

the certification of paragraph 2 below is provided, and

the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

2. It is hereby certified

- a. that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or
- b. that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.

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3. Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.
4. For each non-English language reference listed on the attached form PTO-1449, reference is made to:
 - a. a full or partial English language translation submitted herewith,
 - b. a foreign patent office search report (in the English language) submitted herewith,
 - c. the concise explanation contained in the specification of the present application at page,
 - d. the concise explanation set forth in the attached English language abstract,
 - e. the concise explanation set forth below or on a separate sheet attached to the reference:
5. A foreign patent office search report citing one or more of the references is enclosed.

Respectfully submitted,

Masayuki NAKAMURA et al.

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FORM PTO 1449 (modified)			ATTY DOCKET NO. 2004_1561A	SERIAL NO. NEW 10/509253			
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE			APPLICANT Masayuki NAKAMURA et al.				
LIST OF REFERENCES CITED BY APPLICANT(S) (Use several sheets if necessary)			FILING DATE September 28, 2004		GROUP		
Date Submitted to PTO: September 28, 2004							
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	6,103,720	8/2000	Lubisch et al.			
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	AJ						
	AK						
	AL						
	AM						
	AN						
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)							
	AO	A. Arcelli et al., "Unusual ammonolysis of a secondary amide assisted by unsubstituted vicinal amide group", Tetrahedron, Vol. 52, No. 11, 1996, pp. 4141-4148.					
	AP	S. V. Ley et al., "A new route to butane-1, 2-deacetals and the development of alternative substitution patterns to facilitate differential protection of the products", Synlett, No. 11, pp. 1793-1795, 2001.					
	AQ	K. Wang et al., "Calpain inhibition: an overview of its therapeutic potential", Trends in Pharmacological Sciences, Vol. 15, pp. 412-419, 1994.					
EXAMINER				DATE CONSIDERED			